

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MINH PHAT LE,

Plaintiff,

v.

VIETNAM NATIONAL OIL GAS GROUP

et al.,

Defendants.

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No. 4:17-CV-1559 RWS

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action. The motion is granted. Additionally, this action is dismissed.

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

The Complaint

Plaintiff brings this action against the Vietnam National Gas Group, Petro Vietnam, and the China National Offshore Corporation. Plaintiff says he discovered the existence of these companies on the internet. He took a polygraph exam about the existence of the companies, and the results were inconclusive. Plaintiff wants the Court to declare that he is the owner of each of these entities.

Discussion

The Court does not believe it has jurisdiction over the subject matter of this case. So, it must be dismissed under Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Moreover, the complaint is both factually and legally frivolous. A complaint is factually frivolous when it is fanciful or delusional. *See Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992). An action is legally frivolous if “it lacks an arguable basis in either law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 328 (1989). The complaint must be dismissed for these reasons as well.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed forthwith.

Dated this 30th day of May, 2017.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE